



Spencer Gheen

Of Counsel

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Spencer counsels clients on issues relating to contaminated sites.

Spencer represents clients in regulatory and litigation matters at complex contaminated sites, including disputes over hazardous waste cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Model Toxics Control Act (MTCA). He helps clients negotiate with regulators and other parties, allocate remediation costs, pursue insurance coverage, and assert or defend claims for indemnity arising out of environmental liabilities. Spencer also advises clients on compliance issues relating to stormwater discharges under the Clean Water Act (CWA) and litigates those issues when claims arise. Additionally, Spencer assists clients in the energy sector with transactional, regulatory, and corporate governance matters.

Before joining B&D, Spencer was a partner at a small environmental firm in Seattle. He combines his more than 12 years of experience in private practice with his passion for environmental law to help clients navigate difficult legal problems.

Spencer's representative experience includes:

- Representing a municipality at a MTCA sediment cleanup site, including cost allocation negotiations, insurance recovery, and risk management.
- Defended a municipality against cost recovery claims under CERCLA in federal court.
- Representing a Fortune 500 company engaged in cost allocation at a Superfund megasite.
- Defending a fruit-processing company against claims relating to stormwater discharges under the Clean Water Act.
- Defended a small business against contribution claims under the MTCA in state court.
- Advising clients on Natural Resource Damage claims and liability assessments and leading negotiations to resolve the same.
- Advising clients on the state and federal regulatory process for cleanup sites.
- Pursuing insurance coverage for clients exposed to environmental liabilities.
- Consulting on litigation strategy, discovery management, counterclaims, and third-party practice in defense of toxic tort claims.

- Advising a private client on identifying, assessing, acquiring, and redeveloping contaminated sites.
- Advising clients on assessments of complex environmental liabilities and indemnities.
- Drafting contracts, easements, and other transactional documents for a public utility company involved in the purchase and sale of assets and real property interests.

Spencer also maintains an active pro bono practice, which includes working as an attorney with the Seattle Clemency Project. He successfully represented two clients seeking clemency before the Washington State Clemency and Pardons Board, which, in both cases, recommended that the client's life sentence be commuted. Governor Inslee later granted commutations to both clients.

Education

- Gonzaga University (B.A.)
- Willamette University College of Law (J.D., *magna cum laude*)
 - Editor-in-Chief, Willamette Law Review
 - Managing Articles Editor, Willamette Journal of International Law and Dispute Resolution

Bar Admissions

- Washington

Court Admissions

- U.S. District Court – Eastern District of Washington
- U.S. District Court – Western District of Washington
- U.S. Court of Appeals - Ninth Circuit

Professional Affiliations

- Washington State Bar Association, Environmental and Land Use Section
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King County Bar Association, Environmental and Land Use Section, Former Committee Chair

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Washington State Bar Association, Environmental and Land Use Section

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American Bar Association